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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/767,125

01/29/2004

Jean-Laurent Luquet

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EXAMINER

SEVERSON, JEREMY R

ART UNIT

PAPER NUMBER

3653

NOTIFICATION DATE

DELIVERY MODE

07/09/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

SUGHRUE@SUGHRUE.COM

Office Action Summary	Application No. 10/767,125	Applicant(s) LUQUET ET AL.	
	Examiner Jeremy Severson	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tschiderer (US 5,363,998) in view of Ladds (US 4,155,643) and Haydock (US 2,963,761).

Tschiderer comprises a mail item receiving device for receiving the mail items ejected through an exit slot of a folding and inserting machine, the mail item receiving device comprising a support plate (bottom part of device in fig. 3a) on which the ejected mail items ejected from a folding and inserting machine will accumulate, a front wall 20, joined to the support plate, on which these mail items will abut upon their ejection, two lateral walls (see fig. 1) joined to the support plate, and a rear wall (right side of device in fig. 3a), joined to the support plate and two lateral walls, configured to align these mail items once they have fallen on the support plate, and said rear wall comprises hooking means (see fig. 1) wherein said lateral walls each present an outer corner without sharp angle (see fig. 1); wherein each opening allows items received on the support plate to be accessed through the opening; wherein each of the lateral walls further comprises a rounded corner located opposite the support plate and rear wall.

Tschiderer additionally discloses an apparatus 42, 40 (shown in fig. 2) to be used with the tray. It would have been obvious to one of ordinary skill in the art at the time of the invention to not include this apparatus, in order to reduce the cost of manufacture of the tray.

Tschiderer lacks the explicit disclosure of said support plate comprising two hollows made on either side of its longitudinal axis at the level of its join with said front wall, wherein each hollow creates an opening between a respective lateral wall and the front wall. Ladds teaches such hollows in order to allow the copies to be grasped for removal. See Ladds, col. 2 lines 25 et seq. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add two hollows made on either side of its longitudinal axis at the level of its join with said front wall, wherein each hollow creates an opening between a respective lateral wall and the front wall, to the apparatus of Tschiderer, as taught by Ladds, in order to allow the copies to be grasped for removal.

The hooking means of Tschiderer are not configured to cooperate with feet of a folding and inserting machine for connecting the receiving device to the folding and inserting machine. However, it is recognized in the connecting art that clips are equivalent to the hooking means disclosed by Tschiderer. Haydock discloses a clip attached to a tray with the purpose of securing a rod shaped object (see Fig. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ladds to include clip as taught by Haydock for the purpose of

attaching the tray to cylindrical legs since Haydock's clips would provide a more secure attachment.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tschiderer in view of Ladds and Yamada (US 6,714,326).

In regard to claim 4, Tschiderer does not disclose reinforcing ribs. However, it is well known in the art that trays can include reinforcing ribs to strengthen the trays. Yamada discloses such a tray with ribs 2d, in order to help the smooth passage of documents. See Yamada, col. 6, lines 33 et seq. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ladds include a tray with reinforcing ribs, as taught by Yamada, in order to help the smooth passage of documents.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tschiderer in view of Ladds and Firl (US 5,454,553).

In regard to claim 5, Tschiderer does not specifically disclose the material from which the tray is made. However, it is well known in the art that input and output trays are made from molded plastic. Firl discloses such a tray (col. 2, lines 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ladds include a tray made of molded plastic, as taught by Firl, since the trays could be produced via a inexpensive manufacturing process and further be a lightweight material.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tschiderer in view of Ladds and Yamada (Jap. Pat. No. 8-337349).

In regard to claim 6, Tschiderer does not disclose a transparent material from which the tray is manufactured. However, it is well known in the art that trays can be manufactured from transparent material. Yamada discloses such a tray (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ladds include a tray manufactured from transparent material, as taught by Yamada, since it would improve visibility of the mail.

Response to Arguments

Applicant's arguments filed 7 April 2008 have been fully considered but they are not persuasive.

Applicant argues that contrary to the Examiner's analysis, Tschiderer does not teach or suggest any type of hooking means. The examiner disagrees; however Tschiderer certainly teaches "attaching means," and there is no argument that Haydock teaches hooking means. So, substituting the attaching means of Tshiderer with the attaching means of Haydock results in the "hooking means" claimed.

Applicant further argues that there is no support for the claim that it would have been obvious to one of ordinary skill in the art to use the tray clip of Haydock in the device of Tschiderer. The examiner respectfully disagrees. Replacing the attaching means of Tschiderer with the attaching means of Haydock is the simple substitution of one known element for another to obtain predictable results. *KSR v. Teleflex*, 550 U.S.

_____, 127 S. Ct. 1727, 82 U.S.P.Q.2d 1385 (2007). Further, while there is no disclosure of cylindrical legs in Tschiderer, cylindrical legs are used commonly in the art, including the conventional folding and inserting machine as disclosed in applicant's specification. Therefore, there would be motivation to use clips such as those taught by Haydock.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy Severson whose telephone number is (571)272-2209. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeremy Severson/
Examiner, Art Unit 3653

/Patrick H. Mackey/
Supervisory Patent Examiner, Art
Unit 3653